

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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DISH NETWORK L.L.C.

Plaintiff,

v.

GOYAL GROUP INC. and CHANDRA
GOYAL d/b/a Goyal Group, RANA
TECHNOLOGY INC. and MOHAMMAD
RANA d/b/a Family Phone, ABC 1 NYC
INC. and SONAM SANGPO d/b/a ABC
Wireless NYC,

Defendants.
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Case No. 18-cv-3857

**DECLARATION IN SUPPORT OF
REQUEST FOR CERTIFICATE OF
DEFAULT AGAINST SONAM SANGPO**

I, Stephen M. Ferguson, declare as follows:

1. I am an attorney with the firm of Hagan Noll & Boyle LLC, and licensed to practice law in Texas. I am admitted *pro hac vice* for purposes of representing Plaintiff DISH Network L.L.C. (“DISH”) in this action. I make this declaration based on personal knowledge and, if called upon to testify, would testify competently as stated herein.

2. I make this declaration pursuant to Local Civil Rule 55.1, requesting that the Clerk issue a certificate of default against Defendant Sonam Sangpo (“Sangpo”) pursuant to Fed. R. Civ. P. 55(a).

3. On July 3, 2018, DISH filed its Complaint against Defendant Sangpo. (Dkt. 1.)

4. On July 10, 2018, Sangpo was properly served with the Summons and DISH’s Complaint in this action at 89-14 34th Avenue, Apartment E, Jackson Heights, NY 11372. (Dkt. 13.)

5. According to the court's docket and my file, Sangpo has not filed an answer or other responsive pleading, and the time for Sangpo to do so has not been extended. Sangpo is aware of this lawsuit and has contacted my co-counsel by letter, but has still chosen not to respond. Attached as Exhibit 1 is a true and correct copy of a letter that Sangpo sent to my co-counsel, James Sandness, dated July 18, 2018. Attached as Exhibit 2 is a true and correct copy of a response letter that Mr. Sandness sent to Sangpo dated July 26, 2018, informing Sangpo that he must timely respond to the Complaint by filing a sufficient legal response with the Court.

6. Attached as Exhibit 3 is a true and correct copy of the relevant page of a Westlaw PeopleMap report for Sangpo that I obtained from <https://1.next.westlaw.com> on August 8, 2018, which is redacted pursuant to Fed. R. Civ. P. 5.2. Based on this report, Sangpo was born in 1973. (Ex. 3.) The report establishes that Sangpo is not a minor. (*Id.*)

7. I am not aware of any facts that suggest Sangpo is incompetent. Rather, Sangpo's acts of owning a company, starting a retail business, and Sangpo's copyright infringement as alleged in DISH's complaint, show that Sangpo is competent. (*See* Ex. 1; Dkt. 1 ¶¶ 12-15, 19-21, 23-43.)

8. The official United States Department of Defense Servicemembers Civil Relief Act website (the "SCRA website"), available at <https://scra.dmdc.osd.mil/scra/#/home>, has a search function that allows a visitor to perform a search to check the military status of an individual by entering the individual's first and last name and date of birth or social security number.

9. On August 8, 2018, I performed searches on the SCRA website by entering Sangpo's first and last name and date of birth obtained from the Westlaw PeopleMap report described in paragraph 6. Attached as Exhibit 4 is a true and correct copy of the August 8, 2018

status report for the military status of Sangpo obtained from the SCRA website, which is redacted pursuant to Fed. R. Civ. P. 5.2. The report indicates that Sangpo is not on active duty in the United States military or otherwise exempt under the Servicemembers' Civil Relief Act. (Ex. 4.)

10. I declare under penalty of perjury that the foregoing is true and correct. Executed on August 8, 2018.

/s/ Stephen M. Ferguson
Stephen M. Ferguson